

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**In Re: TERRORIST ATTACKS OF
SEPTEMBER 11, 2001**

) **03 MDL 1570 (RCC)**
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)
04 CV 1076
04 CV 1923

STATEMENT OF DELAYED FILING

COMES NOW, Lisa Freiman Fishberg, counsel for Defendants Martin Wachter, Erwin Wachter, Secor Treuhand Anstalt, and Asat Trust Reg., and hereby states as follows:

On August 1, 2005, I repeatedly attempted to file via ECF the Defendants' Motion to Dismiss. The Court's ECF site was experiencing technical difficulties, and I was unable to log on and file Defendants' Motion. At approximately 4:00 p.m. on August 1, 2005, the Court posted a notice on its website that the ECF server was down and would not be restored until 8:00 a.m. on August 2, 2005. I notified Plaintiffs' counsel of this problem and they consented to the submission of our filing on August 2, 2005.

August 2, 2005

Respectfully submitted,

/s/

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